

## REMARKS

Claims 1 - 20 remain active in this application. Claims 1 - 3, 5, 7 and 13 have been amended. Substantive support for the amendments of the claims is found throughout the application, particularly in Figures 2 - 4 and the description thereof on pages 9 - 11. No new matter has been introduced into the application. The indication that previously submitted remarks were persuasive in regard to Crane, Jr., et al. and the indication of allowability of claim 6 are noted with appreciation.

Claims 1 - 5, 7, 9, 10, 12, 15, 18 and 20 have been rejected under 35 U.S.C. §103 as being unpatentable over Crane, Jr., et al. in view of Setlak et al. and claims 8, 11, 13, 14, 16, 17 and 19 have been rejected under 35 U.S.C. §103 as being unpatentable over Crane, Jr., et al. in view of Setlak et al. and Fujiwara et al. These grounds of rejection are respectfully traversed, particularly as being moot in view of the amendments made above and in error as to claims 16 - 20 as is determinable from the record.

Initially it is noted that claims 16 - 20 are include the same feature as that to which claim 6 is directed: discharge of static electricity through a structure, such as a latch, associated with a cover which closes a larger apparatus in which the fingerprint-reading portion is included and enclosed when the cover is closed. The Examiner does not reject these claims under 35 U.S.C. §112 due to any asserted ambiguity or otherwise analyzed the recitations thereof to show why the recitations directed to the subject matter of claim 6 are more broadly construed. Further in this regard, it is respectfully submitted that claim 5, from which claim 6 depends, also explicitly recites that the fingerprint-reading portion is included in another apparatus having a cover which closes that

apparatus and that static electricity is discharged while opening the cover of the another apparatus as recited in claims 16 - 20. This feature is clearly not taught or suggested by Setlak et al. (alone or in combination with Crane, Jr., et al. and yet the Examiner merely indicates that claims 5 is analyzed similarly to claim 1 which does not include such a feature. Therefore, on the record, it appears that claims 16 - 20 are allowable and, in any case, the Examiner has not made a *prima facie* demonstration of obviousness of claims 5 and 16 - 20.

In regard to claims 1 - 5 and 7 - 15 as well as claims 16 - 20, the Examiner is correct in indicating that Setlak et al. suggests, at column 6, lines 32 - 47 (and in the preceding paragraph, as well), the desirability of bleeding off static electricity from a user's finger through a conductive cover for the fingerprint-reading portion; which cover is either slidable or hinged. However, the present invention is broadly directed to discharge of static electricity by providing a structure which will be naturally contacted by the finger of a user in obtaining access to the finger reading portion and prior to contact with the fingerprint-reading portion; of which use of a grounded conductive cover for the fingerprint-reading portion is but a single and limited example.

Further, use of only a conductive cover or a structure mounted on such a cover for such a purpose may not be particularly reliable since the static electricity must be conducted through a moving mechanical joint which may exhibit changes in resistance or lack of electrical continuity, particularly while it is in motion. Such a moving mechanical joint having a current passing therethrough at potentially high voltage may also be a source of electrical noise. Further, these possible electrical problems are likely to be exacerbated and the static

electricity discharge function compromised due to mechanical wear over time.

The present invention is an improvement both ergonomically and functionally over the limited suggestion of Setlak et al. Specifically, as perhaps best illustrated in Figure 4, grounded plate 6 is provided adjacent to the edge of cover 7 (having an unnumbered opening flange thereon to be engaged by the fingernail or finger of a user). Thus the plate 6 will invariably be touched firmly by the finger of a user when the cover is opened whereas a conductive cover as suggested by Setlak et al. might be manipulated without the finger of a user providing a good and reliable electrical contact thereto that is sufficient to bleed static electricity from the finger, particularly through a moving mechanical joint. Moreover, the connection of the plate to ground in accordance with the present invention does not require movement of conductive elements in the discharge path and mechanical and functional reliability are thus improved.

Further, the invention allows a conductive and grounded cover to be used in combination with the grounded plate as a redundant static electricity discharge path to further increase reliability while increasing the area of contact on the finger relative to using only the cover for contact. Additionally, in accordance with the invention, the grounding contact with the finger of a user is not only made prior to placement of the finger on the fingerprint-reading portion but is maintained through the fingerprint reading operation while normally making a wiping contact between the plate and the user's finger; further enhancing the reliability of the discharge path at the finger/plate interface and enhancing static electricity discharge over a larger area.

Claims 1 - 3, 5, 7 and 13 have all been amended to

explicitly recite a plate adjacent to a cover for the fingerprint-reading portion and references to a conductive cover are all in combination with the grounded plate. Claims 16 - 20, while not amended above, already claim grounded structure which must invariably be firmly touched (e.g. since the cover is larger and the force is generally larger and, in any case, can be regulated by springs and the like as well as the geometry of a cover latch, for example, being such that electrical continuity is necessarily assisted by the pressure of a user's finger to open such a latch) in the course of opening an outer cover of a larger apparatus which includes a fingerprint-reading portion and should be allowable for the same reasons as allowable claim 6 as well as for the reasons discussed above.

Accordingly, it is respectfully submitted that the limited suggestion of using a conductive cover for the fingerprint-reading portion to discharge static electricity does not answer the recitations of any of claims 1 - 5 and 7 - 20 as rejected or as now amended. A *prima facie* demonstration of obviousness has not been made in regard to at least claims 5 and 16 - 20 and other claims have been amended to render the rejection moot. The references applied do not lead to an expectation of success in obtaining enhanced reliability of static electricity discharge in the manner it is achieved by the invention, as claimed, or provide evidence of a level of ordinary skill in the art which would support a conclusion of obviousness in regard to the present claims. Accordingly, reconsideration and withdrawal of the rejections of record is respectfully requested.

Since all rejections, objections and requirements contained in the outstanding official action have been fully answered and shown to be in error and/or inapplicable to the present claims, it is respectfully

submitted that reconsideration is now in order under the provisions of 37 C.F.R. §1.111(b) and such reconsideration is respectfully requested. Upon reconsideration, it is also respectfully submitted that this application is in condition for allowance and such action is therefore respectfully requested.

If an extension of time is required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of time. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



Marshall M. Curtis  
Reg. No. 33,138

Whitham, Curtis & Christofferson, P. C.  
11491 Sunset Hills Road, Suite 340  
Reston, Virginia 20190

(703) 787-9400

CUSTOMER NUMBER 30743